

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MOISES FLORES-ARTEAGA,

Petitioner,

v.

MICHAEL CHERTOFF, *et al.*,

Respondents.

CASE NO. C05-872-RSL-MJB

ORDER GRANTING STAY OF
REMOVAL AND TRANSFERRING
TO THE UNITED STATES COURT
OF APPEALS FOR THE NINTH
CIRCUIT AS A PETITION FOR
REVIEW

The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition (Dkt. #1), respondents motion to transfer case to the Ninth Circuit Court of Appeals (Dkt. #6), all papers and exhibits in support and in opposition to that petition and motion, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:


- (1) The Court adopts the Report and Recommendation.
- (2) This Court is without jurisdiction to consider petitioner's challenge to his removal order. Accordingly, this action is hereby TRANSFERRED to the United States Court of Appeals for the Ninth Circuit as a Petition For Review

1 pursuant to Section 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13,
2 119 Stat. 231.

3 (3) Respondents are temporarily enjoined from removing petitioner from the United
4 States pending further order of the United States Court of Appeals for the Ninth
5 Circuit.

6 (4) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings
7 and related documents to the Ninth Circuit Court of Appeals. The Clerk shall,
8 however, retain a copy of the Court's electronic file. The Clerk is further
9 directed to send copies of this Order to all counsel of record, and to Judge
10 Benton.
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12 DATED this 11th day of July, 2005.

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14 Robert S. Lasnik
15 United States District Judge
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